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The examiner rejected claims 7-25 under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. 5,676,032).

The examiner states that Johnson discloses the invention including a metal plate, atop board 3, a plurality of rule slots 27, a steel rule/metal member 4, a cutting edge as defined by generally triangular shaped configuration, a bottom portion and first and second end portions extending at approximately a 45 ° angle 9-10, in a first direction and a second direction.

Applicant would note at the outset that a thorough review of the Brayton and Johnson references makes clear these references, either alone or taken in combination, cannot bring about the desired results which are obtained by the invention claimed.

The examiner will note in the specification as filed, it was pointed out that the manufacture of steel rule dies for the production of cards having square corners is relatively easy for die makers whereas the more desirable round corner configurations are much more difficult to construct. As explained in the specification the steel rule die configuration to produce rounded corner cards must be produced by a die maker who is extremely skilled and has substantial experience in configuring the steel rules physically so that the rounded corner configuration can be accomplished.

It will be noted, particularly in Fig. 7 of the Johnson reference used in the examiner's rejection, that this steel rule die configuration having the rounded

configuration 9, 10 is a configuration which is extremely difficult to construct and requires a die maker with extreme skill. This portion of Johnson is the portion the examiner maintains discloses a steel rule which has end portions which extend at an approximately 45° angle in first and second directions.

As pointed out in the accompanying specification, the requirement for extreme skill in the construction of steel rule dies to produce cards with rounded corners makes them extremely expensive and time consuming to produce and in many cases the rounded corners produce a die construction which is structurally weak.

The present invention has pointed out that one of its objectives is to produce a steel rule die construction which enables one with very little skill to construct a steel rule die configuration in a very short time and which enables a user of steel rule dies to essentially assemble steel rule dies from parts which were available off the shelf. In other words with the present invention, it is relatively simple to assemble the dies and have them available for off the shelf supply or to provide them on an in-stock basis. The present invention produces dies which cut cards with strong corners which are approximately 45° in configuration.

Referring now to the rejection of claims 1 and 4-6 as anticipated by the reference of Brayton et al. The claimed invention does not appear to be at all anticipated by the Brayton construction. The steel rule identified by the reference numeral 12, 12a in Fig. 3 appears to be a continuous metal member designed primarily with square corners or the

equivalent and creates the problem as pointed out in the present disclosure. See page 1 of the present specification.

Referring to claim 1 and claims 4-6 which are dependent thereon, it will be noted there is recited a plurality of rule slots with a plurality of steel rules in the respective slots. [Claim 1 goes on to recite that each of the steel rules extends on a longitudinal axis having first and second end portions. The first end portion of the steel rule extends at approximately a 45° angle to the longitudinal axis and on one side of said axis with the second end portion extending at approximately a 45° angle to the longitudinal axis and on another side of said axis.] The claim then goes on to recite that the steel rules in the rule slots are arranged alternately with the first end portion of a given rule located adjacent the second end portion of a next rule adjacent said given rule. This claimed construction is not even vaguely shown or suggested in Brayton; therefore, reconsideration of the rejection of claim 1 and claims 4-6 which depend therefrom is respectfully requested.

Reconsideration of the rejection of claims 7-25 under 35 U.S.C. 102(b) as anticipated by Johnson is respectfully requested by applicant. In respect to claim 7 and dependent claims 8-10, it will be noted that a steel rule is recited in each of the slots. The steel rules are recited as extending on a longitudinal axis and having first and second end portions with the first end portion extending at approximately a 45° angle to the longitudinal axis and on one side of said axis and the second end portion extending at approximately a 45° angle to the longitudinal axis and on another side of said axis. The

steel rules are then recited as being arranged alternately with the first end portion of a given rule located adjacent the second end portion of the next rule adjacent said given rule. This is not shown or suggested in Johnson. The examiner points to items 9 and 10 of Fig. 7 as showing a steel rule die having ends that extend at a 45° angle in a first direction and a second direction. As pointed out the Johnson disclosure does not in spirit teach what is taught in the present application and if one deals with the technical terms of the claims, items 9 and 10 are not even located on the same steel rule. In any event reconsideration of this rejection is respectfully requested.

The same argument is applicable to independent claim 11 and dependent claims 12-13 as well as independent claim 14 and dependent claims 15-19.

Claim 20 is another independent claim which recites the construction of a rule for use in a steel rule die which has a first end portion extending at an angle to the extent of the metal member and in a first direction and the dependent claims 21-25 add specific structural limitations to independent claim 20 which contribute to their patentability. See, for example, claim 22 which recites that the end portion is formed at approximately a 45° angle to the extent of the steel member.

Claims 2 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Brayton et al. in view of Johnson. The basic reasons these claims are patentable over the art cited by the examiner includes the points that the examiner makes as to the lack of showing by Brayton and Johnson. The claim construction found in claims 2 and 3

relates to the configuration, for example, found in Fig. 13 and identified as item 90 which is an ejection rubber for accommodating an inside corner formed by the ends of four of the steel rules. As pointed out in the specification on pages 9 and 10, in order to insure the cutting operation performed by the steel rule die is complete and that the square piece of cardboard at this position is removed and does not remain in the rectangular space, a cylindrically shaped ejection rubber is provided. As noted this rubber extends slightly above the level of the cutting edge 80 of the rules and is compressed vertically into the square configuration in cutting causing the rubber to expand generally to a square configuration. When the cutting operation is completed, this ejection rubber 90 assumes its unstressed condition and removes the square cut piece of cardboard so it does not remain in the square configuration of the inside corner 86. This structure and problem which has been solved by this claim construction cannot be found and is not suggested in either Brayton or Johnson. These references, either singly or in combination, do not suggest the problem nor do they suggest the structure used to solve the problem. For this reason it is urged that claims 2 and 3 do in fact patentably different over these references.

In conclusion, it is urged that the rejection of claims 1-25 be reconsidered in view of the above remarks and consideration be given for their allowance. Favorable action in this respect is requested.

Respectfully submitted,

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